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State Humanities Committees (1979-1982): Correspondence 04

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Dear Sandy -

I thought you might find
these parts of the NEST
Procedures Manual for state
programs useful. You will
be receiving various items
from the Federation office &
the W. Va. Hum. Fed. - I'll
be back home the 15th & will
be in touch after that -

Betsy

**PLAN FOR COMPLIANCE WITH THE NEH AUTHORIZING
LEGISLATION BY STATE HUMANITIES COUNCILS
OPERATING AS CITIZENS' COMMITTEES**

Under the 1976 amendments to the NEH authorizing legislation, each state humanities council was required to submit to NEH for approval a plan for compliance with several accountability requirements. The 1980 amendments (P.L. 96-496) continue this requirement. A plan must be approved by NEH in order for a council to submit an application for funding. For those states in which the governor does not designate the council as an agency of State government, most of the 1976 requirements continue without change. A few modifications have been made, and additional guidance has been given by Congress concerning the requirements.

In order to be eligible to submit an application for funding for Fiscal Year 1982 (beginning on October 1, 1981), each private citizens' council must submit to NEH for approval, no later than September 1, 1981, a report updating the plan on file with the Endowment. In all future years, each state council will be required to submit a report no later than March 1 informing the Endowment of any changes in the plan on file or notifying the Endowment that the existing plan remains in effect.

- (1) The plan must "establish a procedure which assures that four members of the governing body of (the state council) shall be appointed by any appropriate officer or agency of such State, except that in no event may the number of such members exceed 20 per centum of the total membership of such governing body." (Sections 7(f)(3)(A) and 7(f)(2)(B))

Congress intends that the involvement of state government be expanded beyond the present two appointments, but that the total number of appointments not exceed 20% of the membership. Consistent with these concerns, it is permissible for a council with a membership of 20 or more to either maintain the present size, with the governor's additional appointments filling current vacancies, or to expand the membership to accommodate the additional appointments. However, to meet the intent of expanding the involvement of state government, a council with a membership of 19 or less should expand or adjust its membership to allow at least one additional gubernatorial appointment. The plan should thus review council by-laws which make provision for these state appointments.

As the Chairman of the Endowment has informed each of the governors of the provisions of the legislation, it is advisable to consult with the Endowment in planning additional contact by the councils with the governors to assure coordination and clarity of effort.

- (2) The plan must provide "that funds paid to the grant recipient will be expended solely on programs which carry out the objective of subsection (c)". (Section 7(f)(3)(B))

This provision continues a requirement of the 1976 amendments. The plan should include a statement from the state council chairman certifying that funds will be used solely to carry out the objectives listed in Section 7(c) of the statute.

- (3) The plan must establish "a membership policy which is designed to assure broad public representation." Section 7(f)(3)(C)

This provision continues a requirement of the 1976 amendments. The emphasis on broad representation implies the need for council membership of at least 20 members including the gubernatorial appointments, although a smaller council may be justifiable in unusual circumstances.

Plans should provide that approximately half the members of each committee represent the general public, including a wide variety of individuals from business, labor, agriculture, the professions, minorities, and civic organizations. The other half should be composed of individuals representing the humanities disciplines and academic institutions, such as humanities scholars, administrators of institutions of higher education, and professional writers and editors in the disciplines of the humanities.

A fully accountable and responsible membership policy includes a written conflict-of-interest policy. For example, the council by-laws should prohibit the payment of honoraria, salaries, or stipends to members of the council from grant funds. Clear procedures should be developed for eliminating conflict or the appearance of conflict of interest in considering applications from institutions or groups with which members are affiliated.

- (4) The plan must provide "a nomination process which assures opportunities for nomination to membership from various groups within the State . . . and from a variety of segments of the population of such State, including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve." (Section 7(f)(3)(D))

This provision continues a requirement of the 1976 amendments. The plan should describe procedures which, at a minimum, include written solicitation at least annually of nominations from the state's

3

cultural and educational institutions, appropriate state agencies, minority groups and organizations, scholarly organizations, civic organizations, educational organizations, business, labor, and professional organizations, and other public interest groups. Written solicitation could include notice in the council's newsletter. If substantial numbers of nominations are not being received from all appropriate groups, additional written solicitation should be provided for, such as individual letters from the committee chair to appropriate groups.

The plan should also explain the precise procedures used for consideration of all nominations for membership and election to membership.

- (5) The plan must provide "for a membership rotation process which assures the regular rotation of the membership and officers" of each committee. (Section 7(f)(3)(E))

This requirement, continued from 1976, ensures a routine and continuous infusion of new council membership, thereby strengthening the opportunities for flexibility and imagination in council actions and ensuring ever-widening citizen involvement in the program. The plan should provide rotation schedules permitting both continuity and systematic change. The preferred pattern would have maximum terms of membership of four years, with at least one year between terms of any individual, but the Endowment will accept, as the maximum allowable time of service, three years with opportunity for a single additional three-year term resulting in a period of service of six years. Any terms longer than this will be approved only with a showing of extraordinary circumstances. Officers should have terms no longer than a maximum of two years.

- (6) The plan must establish "reporting procedures which are designed to inform the chief executive officer of the state involved, and other appropriate officers and agencies, of the activities" of the state committee. (Section 7(f)(3)(F))

The state council should submit an annual report to the governor and other appropriate officers and agencies of State government. Councils are also encouraged to establish means of informal reporting to the governor.

- (7) The plan must establish "procedures to assure public access to information relating to (the) activities" of the committee. (Section 7(f)(3)(G))

Compliance with this requirement includes publication and wide distribution of a variety of council publications, such as guidelines, brochures, newsletters, and press releases. The central document is the council's "guidelines to applicants," since this is the one most often read by the public and the one which must, in its

lucidity, completeness, and tone, reveal fully the intent and practices of the council. The guidelines should describe in detail the procedures used to evaluate applications and award regrants.

The plan should also include preparation and dissemination of an annual report by the council. This should contain a description of the council's activities and the grants it has made, council membership, deadlines for application, methods of nomination to membership, and relevant procedures. Distribution of the annual report should include appropriate leadership of the state's educational and cultural institutions, civic organizations, foundations, corporations, appropriate members of the legislative and executive branches of the government, and other individuals and institutions upon request. Councils should explain the intended distribution of the annual report in the plan in order to reveal the scope of public access.

Further means of public access might include public announcement of all favorable grant decisions (including press releases); public announcement of membership selections; and public announcement of the times, places, and agendas of council meetings.

The plans should also include basic procedures relevant to public accountability including a record of vote totals on all applications considered at each meeting. Policies should be developed and publicly announced for providing information, in response to public inquiries, about the reasons for funding a specific application and for informing unsuccessful applicants about the reasons for the council's action.

- (8) The plan must provide that the council "will make reports to the Chairman, in such form, at such times, and containing such information, as the Chairman may require." (Section 7(f)(3)(H))

The plan should include a statement from the council chairman certifying that the council will comply with this requirement.

DG/jmj